

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LIBERTY HANGOUT, <i>et al.</i> ,)	CASE NO. 5:18-cv-02567
)	
Plaintiffs,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	
BEVERLY J. WARREN, <i>et al.</i> ,)	MOTION OF DEFENDANTS FOR
)	LEAVE TO FILE MEMORANDUM IN
Defendants.)	OPPOSITION TO PLAINTIFFS’
)	MOTION FOR TEMPORARY
)	RESTRAINING ORDER BY FRIDAY
)	NOVEMBER 9, 2018 AT 5:00 PM

Defendants Beverly J. Warren, Lamar R. Hylton, Dean Tondiglia, and Richard O’Neill, by and through undersigned counsel, respectfully move this honorable Court for an order granting Defendants leave to file their Memorandum in Opposition to Plaintiffs’ Motion for Temporary Restraining Order (ECF Doc #: 5) by Friday, November 9, 2018 at 5:00 p.m. For cause, Defendants state as follows:

1. On Wednesday, November 7, 2018 Plaintiffs Liberty Hangout and Michael Heil filed their Complaint against Defendants in this Court alleging, *inter alia*, violations of First Amendment to the Constitution of the United States via 42 U.S.C. § 1983.

2. Plaintiffs’ Complaint alleges that Defendants have violated Plaintiffs’ First Amendment rights by presenting them with a “breakdown of estimated costs” including security costs of \$1,798.40 in advance of an event that Plaintiff Liberty Hangout is planning to sponsor on the campus of Kent State University on November 19, 2018 (hereinafter, “November 19 Event”). *See* Plfs.’ Compl. (ECF Doc #: 1) at ¶ 14. As a result of Defendants’ alleged conduct, Plaintiffs claim that their speech has been “chilled.” *Id.* at ¶ 19.

3. Immediately after filing their Complaint, Plaintiffs filed a Motion for Temporary Restraining Order praying for an injunction prohibiting Defendants from assessing any security fees against Plaintiffs in connection with the November 19 Event.

4. Pursuant to Fed. R. Civ. P. 65(b), “[t]he court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.”

5. Plaintiffs do not allege that Defendants are threatening immediate collection of any assessed security costs, that Defendants have threatened to cancel or otherwise prohibit the November 19 Event, or that other circumstances exist that would warrant immediate relief without first affording Defendants with an opportunity to be heard.

6. Under these circumstances, Defendants submit that Plaintiffs will not be prejudiced if the Court permits Defendants to file their Memorandum in Opposition to Plaintiffs’ Motion for Temporary Restraining Order, with supporting declarations and exhibits, by Friday, November 9, 2018 at 5:00 p.m.

7. After filing their opposition papers, Defendants will avail themselves for an in-person hearing before this Court to facilitate a prompt ruling on Plaintiffs’ motion for injunctive relief on or before November 19, 2018.

Dated: November 7, 2018

Respectfully submitted,

/s/ Daniel J. Rudary

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*Special Counsel for Defendants Beverly J. Warren,
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O'Neill*

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel J. Rudary

*Special Counsel for Defendants Beverly J.
Warren, Lamar R. Hylton, Dean Tondiglia,
and Richard O'Neill*